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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,

Plaintiff,

vs.

RAMOS DIAZ ENTERPRISES, INC. dba
GUAYABITOS RESTAURANT; GODAVRI
PROPERTIES, LLC;

Defendants.

Case No. 1:22-cv-01397-KJM-KJN

**NOTICE OF MOTION AND MOTION
FOR DEFAULT JUDGMENT**

Date: January 8, 2024

Time: 9:00 a.m.

Courtroom: 25, 8th Floor (Sacramento)

Chief Magistrate Judge Kendall J. Newman

PLEASE TAKE NOTICE THAT on January 8, 2024 at 9:00 a.m., or as soon thereafter as this matter may be heard in Courtroom 25 of Chief United States Magistrate Judge Kendall J. Newman, located at the Robert T. Matsui United States Courthouse, 501 I Street in Sacramento, California, Plaintiff, Darren Gilbert ("Plaintiff"), by and through his attorney of record, Tanya E. Moore of the Moore Law Firm, P.C., will move the Court for a default judgment against Defendants, Ramos Diaz Enterprises, Inc. dba Guayabitos Restaurant and Godavri Properties, LLC ("Defendants"). The clerk previously entered the default of Defendants on December 5, 2022 and January 18, 2023 (Dkts. 6 and 9).

At the time and place of hearing, Plaintiff will present proof of the following matters:

1. On October 28, 2022, Plaintiff filed a Complaint against Defendants;
2. Defendants have not appeared in this action;

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3. Defendants are not minors, incompetent persons, or persons in the military service, or otherwise exempted under the Soldiers' and Sailors' Civil Relief Act of 1940;

4. Plaintiff is entitled to judgment against Defendants on account of the claims pleaded in the Complaint, to wit: Defendants violated Plaintiff's civil rights pursuant to Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12181-12189) in that Defendants' public accommodation posed architectural barriers that interfered with Plaintiff's ability to use and enjoy the goods, services, privileges, and accommodations offered at the facility, and Plaintiff is entitled to an injunction requiring Defendants to remove said architectural barriers; and

5. Plaintiff is entitled to recover his reasonable attorney's fees and costs in the amount of \$3,203.41, plus additional attorneys' fees as a result of Plaintiff's appearance at this hearing (if any is required), which additional amount will be offered at the hearing once the appropriate amount is ascertained.

This application is based upon this Notice; the Memorandum of Points and Authorities; the Declaration of Attorney Tanya E. Moore, the pleadings, files and records on file in this matter; and on such other information as may be presented at the hearing on this motion.

Dated: November 17, 2023

MOORE LAW FIRM, P.C.

/s/ Tanya E. Moore

Tanya E. Moore
Attorney for Plaintiff,
Darren Gilbert

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